

REFERENCE TITLE: compulsory attendance; age; increase

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2292

Introduced by
Representatives Schapira, Meyer, Patterson, Waters: Court, Crandall, Young
Wright

AN ACT

AMENDING SECTIONS 15-802, 15-803 AND 15-805, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL ATTENDANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-802, Arizona Revised Statutes, is amended to
3 read:
4 15-802. School instruction; exceptions; violations;
5 classification; definitions
6 A. Every child WHO IS between ~~the ages of~~ six and ~~sixteen~~ EIGHTEEN
7 years OF AGE shall attend a school and shall be provided instruction in at
8 least the subjects of reading, grammar, mathematics, social studies and
9 science. The person who has custody of the child shall choose a public,
10 private, charter or home school as defined in this section to provide
11 instruction.
12 B. The parent or person who has custody shall do the following:
13 1. If the child will attend a public, private or charter school,
14 enroll the child in and ensure that the child attends a public, private or
15 charter school for the full time school is in session. If a child attends a
16 school ~~which~~ THAT is operated on a year-round basis, the child shall
17 regularly attend during school sessions that total not less than one hundred
18 seventy-five school days or two hundred school days, as applicable, or the
19 equivalent as approved by the superintendent of public instruction.
20 2. If the child will attend a private school or home school, file an
21 affidavit of intent with the county school superintendent stating that the
22 child is attending a regularly organized private school or is being provided
23 with instruction in a home school. The affidavit of intent shall include:
24 (a) The child's name.
25 (b) The child's date of birth.
26 (c) The current address of the school the child is attending.
27 (d) The names, telephone numbers and addresses of the persons who
28 currently have custody of the child.
29 3. If the child will attend home school, the child has not reached
30 eight years of age by September 1 of the school year and the person who has
31 custody of the child does not desire to begin home instruction until the
32 child has reached eight years of age, file an affidavit of intent pursuant to
33 paragraph 2 of this subsection stating that the person who has custody of the
34 child does not desire to begin home school instruction.
35 C. An affidavit of intent shall be filed within thirty days from the
36 time the child begins to attend a private school or home school and is not
37 required thereafter unless the private school or the home school instruction
38 is terminated and then resumed. The person who has custody of the child
39 shall notify the county school superintendent within thirty days of the
40 termination that the child is no longer being instructed at a private school
41 or a home school. If the private school or home school instruction is
42 resumed, the person who has custody of the child shall file another affidavit
43 of intent with the county school superintendent within thirty days.

1 D. A person is excused from the duties prescribed by subsection A or B
2 of this section if any of the following ~~are~~ IS shown to the satisfaction of
3 the school principal or the school principal's designee:

4 1. The child is in such physical or mental condition that instruction
5 is inexpedient or impracticable.

6 2. The child has completed the high school course of study necessary
7 for completion of grade ~~ten~~ ELEVEN as prescribed by the state board of
8 education.

9 3. The child has presented reasons for nonattendance at a public
10 school ~~which~~ THAT are satisfactory to the school principal or the school
11 principal's designee. For THE purposes of this paragraph, the principal's
12 designee may be the school district governing board.

13 4. The child is over fourteen years of age and is, with the consent of
14 the person who has custody of him, employed at some lawful wage earning
15 occupation.

16 5. The child is enrolled in a work training, career education, career
17 and technical education, vocational education or manual training program
18 ~~which~~ THAT meets the educational standards established and approved by the
19 department of education.

20 6. The child was either:

21 (a) Suspended and not directed to participate in an alternative
22 education program.

23 (b) Expelled from a public school as provided in article 3 of this
24 chapter.

25 7. The child is enrolled in an education program provided by a state
26 educational or other institution.

27 8. THE CHILD HAS OBTAINED A GENERAL EQUIVALENCY DIPLOMA.

28 E. Unless otherwise exempted in this section or section 15-803, a
29 parent of a child WHO IS between six and ~~sixteen~~ EIGHTEEN years of age or a
30 person who has custody of a child, who does not provide instruction in a home
31 school and who fails to enroll or fails to ensure that the child attends a
32 public, private or charter school pursuant to this section is guilty of a
33 class 3 misdemeanor. A parent who fails to comply with the duty to file an
34 affidavit of intent to provide instruction in a home school is guilty of a
35 petty offense.

36 F. For the purposes of this section:

37 1. "Home school" means a school conducted primarily by the parent,
38 guardian or other person who has custody of the child or instruction provided
39 in the child's home.

40 2. "Private school" means a nonpublic institution, other than the
41 child's home, where academic instruction is provided for at least the same
42 number of days and hours each year as a public school.

1 Sec. 2. Section 15-803, Arizona Revised Statutes, is amended to read:
2 15-803. School attendance; exemptions; definitions

3 A. It is unlawful for any child WHO IS between six and ~~sixteen~~
4 EIGHTEEN years of age to fail to attend school during the hours school is in
5 session, unless either:

6 1. The child is excused pursuant to section 15-802, subsection D or
7 section 15-901, subsection A, paragraph 6, subdivision (c).

8 2. The child is accompanied by a parent or a person authorized by a
9 parent.

10 3. The child is provided with instruction in a home school.

11 B. A child who is habitually truant or who has excessive absences may
12 be adjudicated an incorrigible child as defined in section 8-201. Absences
13 may be considered excessive when the number of absent days exceeds ten per
14 cent of the number of required attendance days prescribed in section 15-802,
15 subsection B, paragraph 1.

16 C. ~~As used in~~ FOR THE PURPOSES OF this section:

17 1. "Habitually truant" means a truant child who is truant for at least
18 five school days within a school year.

19 2. "Truant" means an unexcused absence for at least one class period
20 during the day.

21 3. "Truant child" means a child who is between six and ~~sixteen~~
22 EIGHTEEN years of age and who is not in attendance at a public or private
23 school during the hours that school is in session, unless excused as provided
24 by this section.

25 Sec. 3. Section 15-805, Arizona Revised Statutes, is amended to read:
26 15-805. Attendance officer; powers and duties

27 A. The attendance officer may enforce the law relating to:

28 ~~1. School attendance of children between the ages of six and sixteen~~
29 ~~years.~~

30 ~~2. 1. The provisions of~~ Section 15-802, subsection E, ~~and~~ section
31 15-803.

32 ~~3. 2.~~ Employment of children WHO ARE between ~~the ages of~~ six and
33 ~~sixteen~~ EIGHTEEN years OF AGE.

34 B. The attendance officer may:

35 1. Issue a citation to an adult or child who is alleged to be in
36 violation of laws specified in subsection A of this section to appear before
37 a court of competent jurisdiction and shall advise the person to whom the
38 citation is issued that failure to appear at the time and place specified in
39 the citation may result in the issuance of a warrant for the person's arrest.
40 A citation that is issued to a child under eighteen years of age shall
41 require the child's parent or person having custody to appear with the child
42 at the time and place specified in the citation. The attendance officer
43 shall notify the child's parent or person having custody that the citation
44 was issued and that the parent or person having custody is required to appear
45 in court with the child and shall give proof of the notice to the court.

- 1 2. Issue a citation on an Arizona traffic ticket and complaint form
- 2 for any violation of laws specified in subsection A of this section.
- 3 3. Report a violation of a law specified in subsection A of this
- 4 section to the local law enforcement agency and request an investigation of
- 5 the violation. The law enforcement agency ~~shall~~, when sufficient cause
- 6 exists, **SHALL** refer the matter for prosecution.
- 7 4. Enter all places where children may be employed to investigate and
- 8 enforce the law.